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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,482	12/04/2003	George Olaru	2107.0340001	7525

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EXAMINER

HOGAN, JAMES SEAN

ART UNIT PAPER NUMBER

3752

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/726,482	Applicant(s) OLARU, GEORGE	
	Examiner James S. Hogan	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-16, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-9, 12, 13, 15, 16, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 5, 10, 11 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed June 23, 2005 have been fully considered but they are not persuasive. The suggestion to combine the art of Jenko et al. and Gellart et al still apply.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, regardless of the cited passage of Jenko et al, (Col. 1 lines 23-33), one having ordinary skill in the art would recognize that, whether in an emergency maintenance situation OR if an aging heated nozzle system were to "run" a flowable polymeric media with a higher melting temperature than the system were capable of, that an off-the-shelf clampable heater ala' Jenko et al., would serve the purpose of providing needed heat to a nozzle system, regardless of the original design of the system, heated or not. As per the argument of whether or not the heaters overlap, that is still seen to the Examiner as an obvious variant to the personnel responsible for installing the slide-on heater. The Examiner recognizes the stated difficulty in replacing an embedded heater, however the claims to

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not reflect any limitations of such to the arts applied, and thus the motivation for using Gellert with Jenko et al is amended.

Claim Rejections - 35 USC § 103

Claims 1, 3, 4, 6-9, 12, 13, 15, 16, 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,761,557 to Gellert et al. in view of U.S. Patent No. 6,043,446 to Jenko et al.

Regarding the independent claims 1,4,15, and 16, Gellert ('557) teaches a nozzle body having a melt channel with a first heater (102/106) securely attached to the nozzle body. However, Gellert et al. ('557) does not teach a second heater being slideably attached and partially overlapping the first heater. Jenko et al ('446) teaches a slide-on heater clamp (100) designed for clamping to an object for heating purposes, especially a nozzle or a hot runner channel (see Abstract). Depending on how far up the body of a nozzle the clamp heater is placed would determine whether or not the first heater of a hot runner channel and the clamping Jenko et al second heater would overlap. Also, the heater (106) of Gellert ('557) is embedded (see fig. 11, showing the heater *embedded* in a groove) in the nozzle body. As per claim 3, the nozzle body of Gellert ('557) is grooved for the placement of the heaters. As per claim 4, Gellert ('557) also teaches (again, Figure 11) the heater (106) of Gellert (557) is located *around* and *in contact* with an external surface (104) of the nozzle body. As per claims 6-9 and 19-20, the heated nozzle of Gellert ('557) teaches the first portion of the melt channel heated by the heater (106) and is substantially the same as a second portion heated by a

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second heater (102), and that the two heaters can be operated independently from each other or simultaneously (See claims 4-5 of Gellert ('557)) in any combination. As for claim 12, the heater of Jenko et al. ('446), is capable (in use with Gellart) to be the "second" heater, and is located on a sleeve (108) that is clampable to a nozzle body. As for claims 13, a thermocouple (128) (see fig 7a) on the Jenko et al. ('455) device monitors the temperature of a heater, and thus possibly all heaters of a hot melt runner nozzle. Hence, it would have been obvious to one skilled in the art at the time the invention was made to have modified the heated hot runner melt nozzle of Gellert ('557) with the slide-on, heater clamp of Jenko et al ('455) in order to provide a nozzle that can be operated in at a potentially higher temperature than originally designed, or as a temporary repair to a hot melt runner nozzle that has experienced a heater failure.

Allowable Subject Matter

Claims 5, 10, 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH
01/03/2006



David A. Scherbel
Supervisory Patent Examiner
Group 3700